

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

UNITED STATES,

v.

SHAWN WRIGHT,

Defendant.

HONORABLE JEROME B. SIMANDLE

Criminal No. 04-897 (JBS)

MEMORANDUM OPINION

SIMANDLE, District Judge:

This matter is before the Court on Defendant Shawn Wright's motion for modification of sentence, in which he asks the Court to reduce his term of imprisonment [Docket Item 14]. THIS COURT FINDS AS FOLLOWS:

1. On December 21, 2004, Wright pled guilty to possession with the intent to distribute five (5) kilograms of cocaine. On January 13, 2006, the Court sentenced Wright to be imprisoned for a term of seventy-two (72) months, to be followed by five (5) years of supervised release [Docket Item 11].

2. Wright now asks the Court to reduce his term of imprisonment so that he can be placed in a community release program or home confinement. In support of this motion, Wright argues that he has turned his life around and submits evidence of impressive efforts he has made to improve himself made while incarcerated.

3. The United States opposes Wright's motion, arguing that there is no legal authority for the Court to grant this motion.

4. While the Court recognizes, and lauds, Wright's conduct in prison, the Court must nevertheless deny Wright's motion because the Court does not have authority to reduce the period of Wright's imprisonment. As the United States correctly indicates, pursuant to 18 U.S.C. § 3582(c), "The court may not modify a term of imprisonment once it has been imposed" except in three specific circumstances. Those circumstances are: (1) on the motion of the Bureau of Prisons if the Court finds "extraordinary and compelling reasons" for a reduction or the defendant is at least 70 years old and has already served 30 years in prison; (2) on a motion by the government under Rule 35, Fed. R. Crim. P., if the defendant has substantially cooperated in a criminal investigation or prosecution; and (3) in the case where defendant was sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. §§ 3582(c)(1) & (2).

5. Wright's motion does not fit into any of the three circumstances listed above, and consequently the Court does not have authority to reduce his period of imprisonment. See 18 U.S.C. § 3582(c). The Court will deny Wright's motion.

6. The accompanying Order shall be entered.

March 30, 2010
Date

s/ Jerome B. Simandle
JEROME B. SIMANDLE
United States District Judge